

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 72 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
29/12/2004 in WP No. 24369 OF 2004 on the file of the High Court.)

Between:

Hindustan Aeronautics Employees Coop. Housing Society Ltd., TBC 269, Survey
No.77, Hafeezpet Village,
Serilingampalli Mandal Ranga Reddy District, rep. by its Managing Committee.

..... APPELLANT

AND

1. K.K.D.Prasad, S/o.Late K.Butchaiah,
Hyderabad-500042.
2. The Registrar/Commissioner, A.P. Coop Societies, Nampally, Hyderabad.
3. The District Coop. Officer, Ranga Reddy District, Samrat Complex, Opp.
Reserve Bank of India, Hyderabad.
4. The Divisional Coop. Officer, Hyderabad (West) Division, RR District.

.....RESPONDENTS

Counsel for the Appellant: Mr. D.V.BHADRAM

Counsel for the Respondent No.1: None appeared.

Counsel for Respondents 2 to 4: G.P. for Cooperation.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

Heard.

None appears for the first respondent, who had filed the Writ Petition, though the name of the counsel is shown in the cause list. Writ Petition was allowed with certain directions. Though, there was no prayer in the Writ Petition, but, the learned Single Judge allowed the Writ Petition taking note of the fact that the elections for the managing committee of the appellant had already been notified, and, therefore, the grievance of the writ petitioner stands substantially redressed. However, further directions were issued, which are not in consonance with law, and, that is the precise grievance of the appellant-society. Learned Single Judge, of his own, directed elections to be conducted under the supervision of an official nominated by the election authority, and, the Committee of persons-in-charge was directed to hand-over the entire record to the person so nominated. This direction being contrary to the provisions of the law, for which, no prayer was made in the Writ Petition, deserves to be set aside by allowing the appeal. Accordingly, Appeal is allowed, impugned order is modified to the extent that as election had already been notified pursuant to the order dated: 17.12.2004 issued by the District Collector-cum-District Election Authority, Ranga Reddy District, the election shall be continued to be conducted strictly in accordance with law, and, not under the supervision of the officials nominated by the election authority. Ordered accordingly. No costs.

DEVINDER GUPTA, C.J.

28.1.2005.

M.NARAYANA REDDY, J.

VR.

To

1. The Registrar/Commissioner, A.P. Coop Societies, Nampally, Hyderabad.
2. The District Coop. Officer, Ranga Reddy District, Samrat Complex, Opp. Reserve Bank of India, Hyderabad.
3. The Divisional Coop. Officer, Hyderabad (West) Division, RR District.
4. Two CCs to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.